

Attorney's Docket No.: 06618/604002

REMARKS

Reconsideration and allowance of the above-amended patent application are respectfully requested.

The title of the application has been amended. Claim 6 has been amended. In addition, dependent Claims 7-9 have been newly added and are fully supported by the original specification. No new matter is added.

Claim 6 has been amended to correct the error of lacking antecedence basis for the term of "line feature" and thus the rejection under 35 USC 112, second paragraph, has been overcome and should be withdrawn.

Claims 1-6 stand rejected under the judicially created doctrine of obviousness-type double patenting over U.S. Patent Nos. 6,600,565 and 6,031,611. Although Applicants do not agree with the grounds for rejections, these rejections can be obviated by filing a terminal disclaimer as suggested by the Examiner.

Claims 1, 2 and 4-6 stand rejected under 35 USC.102(e) as being anticipated by U.S. Patent No. 6,469,788 of Boyd. This contention, however, is respectfully traversed because Boyd fails to disclose each feature in Claims 1, 2 and 4-6. For example, Claims 1, 2 and 4-5 recite a processing module coupled to receive and process said curvature signal and operable to compute stresses of each line feature on said substrate from an analytical function of curvatures in two different directions of the substrate corresponding to the location of the line feature. Boyd fails to suggest this processing module because Boyd is completely silent on, at the minimum, the computation of stresses of each line feature on the substrate from an analytical function of curvatures in two different directions of the substrate corresponding to the location of the line feature.

Attorney's Docket No.: 06618/604002

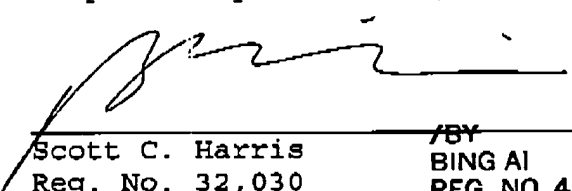
For Claim 6, Boyd fails to disclose the recited third mechanism which is used "to compute the stresses on the line feature based on measured first and second curvatures according to an analytical function."

Therefore, Claims 1, 2 and 4-6 are distinctly different from and thus are patentable over Boyd.

Claim 3 stands rejected under 35 USC 103(a) as being obvious over Boyd. Applicants respectfully traverse. First, Claim 3 is not obvious over Boyd because Boyd fails to suggest the recited processing module in the claimed combination as discussed above. Second, the Office Action contends that features recited in Claim 3 are inherently obvious, but fails to provide any evidence to support such inherency. Therefore, the rejection under 35 USC 103(a) must be withdrawn.

In summary, Claims 1-6 are distinctly patentable over Boyd and the rejections under 35 USC 102(e) and 103(a) must be withdrawn. No fee is believed to be due for filing this response. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: June 10, 2004

Scott C. Harris
Reg. No. 32,030/BY
BING AI
REG. NO. 43,312

Fish & Richardson P.C.
PTO Customer Number: 20985
12390 El Camino Real
San Diego, CA 92130
Telephone: (858) 678-5070
Facsimile: (858) 678-5099
10404411.doc